



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Labor & Industries

- ☒ Preproposal Statement of Inquiry was filed as WSR 10-05-098; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR  
☐ Continuance of WSR

**Title of rule and other identifying information:**

**Amend Chapter 296-17-35203 Special reporting instruction (1) Professional and semiprofessional athletic teams**

**Hearing location(s):**

Tumwater L&I Building  
 7273 Linderson Way SW  
 Tumwater, WA 98501

Date: August 25, 2010 Time: 1:00 PM

**Submit written comments to:**

Name: Ronald Moore  
 Address: PO Box 44140  
 Olympia WA 98501  
 e-mail [MOOA235@lni.wa.gov](mailto:MOOA235@lni.wa.gov)  
 fax (360) 902-4988 by 5 pm, August 25, 2010

**Assistance for persons with disabilities:** Contact

Office of Information & Assistance by August 20, 2010

TTY (306) 902-5797

**Date of intended adoption:** October 20, 2010

(Note: This is **NOT** the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

RCW 51.12.120(6) allows a worker and employer to agree in writing that the work is principally localized out of state if the worker regularly works in Washington and another state. The special reporting rules for sport teams in WAC 296-17-35203(1) permit players and teams to enter into coverage agreements as provided by the statute, but regulates the agreements in a manner that is burdensome for the teams and the department. It requires a team to submit a separate agreement form signed by the player, the team, and the insurer for each player at the start of every season. This not only is a lot of administrative work for the employer, but makes managing the team accounts difficult for the department. It is nearly impossible for the account manager to confirm if the employer is compliant.

The proposal requires only that the player and team sign an initial agreement when a player is signed as is required by the statute. This document is maintained by the team. The proposal also requires a second agreement to be signed between the team and their insurer. A copy of this document must be provided to the department yearly along with a copy of the out-of-state insurance policy.

**Reasons supporting proposal:**

To simplify compliance for both the employer and the department and avoid subsequent jurisdictional questions or disputes concerning compliance.

**Statutory authority for adoption:** 51.04.020

**Statute being implemented:** 51.12.120(6)

**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:

**DATE**

May 25, 2010

**NAME** (type or print)

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE:** May 25, 2010

**TIME:** 10:05 AM

**WSR 10-12-036**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Department of Labor and Industries

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Richard Bredeson	Tumwater, Washington	(360) 902-4985
Implementation.... Ronald C. Moore	Tumwater, Washington	(360) 902-4748
Enforcement..... Robert Malooly	Tumwater, Washington	(360) 902-4209

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax     (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The agency is exempt from conducting a SBEIS since the proposed rules set or adjust fees or rates to legislative standards described in RCW 34.05.310(4)(f) and do not change current coverage options for employers and workers.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax     (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328(5)(b)(vi) from the requirement for a cost-benefit analysis.